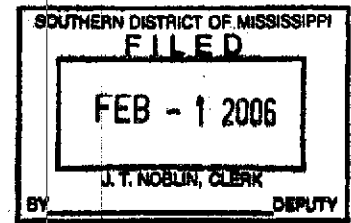


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



SANDRA STASHER

PLAINTIFF

VS.

CIVIL ACTION NO. 3:06CV *3:06CV 67 HTW-JCS*

REGIS CORP. and
REGIS CORPORATION

DEFENDANTS

DEFENDANTS' NOTICE OF REMOVAL

Defendants Regis Corp. and Regis Corporation ("Regis") remove this case to the United States District Court for the Southern District of Mississippi, Jackson Division on the basis of original federal question and diversity jurisdiction and, as grounds, state as follows:

1. The Defendants have been sued in a civil action filed by Plaintiff alleging violation of federal law in the Circuit Court of the First Judicial District of Madison County, Mississippi, Civil Action Number 2005-0447-R. Plaintiff's Complaint was first served on Defendants on January 14, 2006. This Notice of Removal is filed in the United States Court for the Southern District of Mississippi, Jackson Division, within the time allowed by law for the removal of civil actions. The documents attached hereto as Exhibit "A" constitute all pleadings and process and other papers served upon Defendants in this action to date.

2. The Complaint alleges discrimination in violation of Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e *et. seq.*) and the Pregnancy Discrimination Act (42 U.S.C. § 2000e – 2(k). Plaintiff alleges on the face of her Complaint that "Defendants' actions constitute intentional discrimination on the basis of sex and pregnancy in violation of the Pregnancy Discrimination Act and Title VII." *See* Plaintiff's Complaint, Exhibit "A" hereto.

3. Federal law, and not state law, govern these allegations, and this case is therefore removable to this Court. *Cervantez v. Bexar County Civil Service Commission*, 99 F.3d 730, 733-34 (5th Cir. 1999) (assertion of federal civil rights claim is sufficient to confer jurisdiction); *Jackson v. Mississippi Farm Bureau Mutual Ins. Co.*, 947 F. Supp. 252, 254-55 (S.D. Miss. 1996) (holding that removal was proper because the plaintiff's claims for race discrimination were only cognizable under federal law). Therefore, Plaintiff's claims arise, if at all, under federal law, namely 42 U.S.C. § 2000e-2 et seq. ("Title VII").

4. This Court has original federal question jurisdiction of this case under 28 U.S.C. § 1331.¹ The Plaintiff's Complaint asserts federal claims which the applicable law recognizes as a valid basis for removal pursuant to 28 U.S.C. § 1441(b).

5. According to Plaintiff's Complaint, Plaintiff is a resident citizen of Hinds County, Mississippi. Also according to Plaintiff's Complaint, Defendants are Minnesota corporations. Defendants have their principal place of business in the state of Minnesota.

6. In her Complaint Plaintiff seeks back pay and front pay in lieu of reinstatement, lost benefits, compensatory damages, pecuniary losses, costs, disbursements, prejudgment interest, post judgment interest, expert witness fees and attorneys' fees from Regis for alleged malicious and reckless conduct. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs, which meets the requirements of 29 U.S.C. § 1332(a). *See Lih v. Veneman*, 2004 WL 1778806 (N.D. Miss. 2004) (single employment discrimination plaintiff awarded \$497,457.00), Exhibit "B" hereto; *ADDO v. Abbe Life and Accident Insurance Company*, 230 F.3d 759, 762, n.2 (5th Cir. 2000) (Mississippi law permits punitive damages and if a punitive recovery was warranted, it could well exceed the federal jurisdictional limit);

¹ In addition, this Court has supplemental jurisdiction over any otherwise non-removable claims asserted in this action.


7. Therefore, this action is also removable to this Court pursuant to 28 U.S.C. § 1332, since complete diversity exists between the parties in this action and the amount requested, including punitive damages, exceeds the minimum amount in controversy required. This action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a).

8. A true and correct copy of this Notice of Removal has been filed with the Clerk of the Circuit Court of Madison County, Mississippi as required by 28 U.S.C. § 1446(d).

Respectfully submitted, this 1st day of February, 2006.

REGIS CORP. AND
REGIS CORPORATION

BY:



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Facsimile: (601) 961-4466

CERTIFICATE OF SERVICE

I, the undersigned counsel, do hereby certify that I have this day delivered, via U.S. Mail, a true and correct copy of the above and foregoing pleading to:

Louis H. Watson, Jr., F.A.
520 East Capitol Street
Jackson, Mississippi 39201

This the 1st day of February, 2006.


DAVID M. THOMAS, II